

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION**

PRENTICE DAVIS,

Plaintiff,

V.

A.D.A. KIRK CHENY, *et al.*,

Defendants.

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NO. 1:21-cv-00104-WLS-TQL

ORDER

Plaintiff Prentice Davis, a detainee in the Dougherty County Jail in Albany, Georgia, filed a 42 U.S.C. § 1983 complaint and a motion for leave to proceed *in forma pauperis* under 28 U.S.C. § 1915(a). Compl., ECF No. 1; Mot. for Leave to Proceed *In Forma Pauperis*, ECF No. 2. Plaintiff's motion to proceed *in forma pauperis* was previously granted, and Plaintiff was ordered to pay an initial partial filing fee of \$10.40. Order, ECF No. 4. Plaintiff was given twenty-one days to pay the initial partial filing fee and was cautioned that his failure to do so could result in the dismissal of this action. *Id.*

More than twenty-one days passed following the entry of the order to pay an initial partial filing fee, and Plaintiff did not pay the fee or otherwise respond to that order. Accordingly, Plaintiff was ordered to show cause to this Court why this case should not be dismissed based on his failure to pay the initial partial filing fee. Order to Show Cause, ECF No. 5. Plaintiff was given twenty-one days to respond and was cautioned that his failure to do so would result in the dismissal of this case. *Id.*

More than twenty-one days have now passed since the show cause order was

entered, and Plaintiff has failed to respond to that order. Thus, because Plaintiff has failed to respond to the Court's orders or otherwise prosecute this case, the complaint is hereby **DISMISSED WITHOUT PREJUDICE**. See Fed. R. Civ. P. 41(b); *Brown v. Tallahassee Police Dep't*, 205 F. App'x 802, 802 (11th Cir. 2006) (per curiam) ("The court may dismiss an action *sua sponte* under Rule 41(b) for failure to prosecute or failure to obey a court order." (citing Fed. R. Civ. P. 41(b) and *Lopez v. Aransas Cty. Indep. Sch. Dist.*, 570 F.2d 541, 544 (5th Cir. 1978))).

SO ORDERED, this 24th day of August 2021.

/s/ W. Louis Sands

W. LOUIS SANDS, SR. JUDGE
UNITED STATES DISTRICT COURT